

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re: Eric & Sally Sabathier  
Debtors.

BKY: **04-34125-DDO**  
Chapter 13 Case

**NOTICE OF HEARING REGARDING  
PRE-CONFIRMATION PLAN**

To: The Chapter 13 Trustee, United States Trustee, Clerk U.S. Bankruptcy Court, Bank One, Bradley Halberstadt, and all interested parties.

The Court will hold a hearing on the proposed Pre-Confirmation Plan in the case of Eric & Sally Sabathier on November 9, 2004 at 10:30 a.m. in Room 228A of the U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101 before The Honorable Judge Dennis D. O'Brien .

Dated: October 8, 2004

/s/ James T. Skonnord  
James T. Skonnord, Esq.  
Ramsey Professional Building  
311 Ramsey Street  
St. Paul MN 55102  
(651) 224-8992  
License # 010193X

**United States Bankruptcy Court  
District of Minnesota**

Case No. 04-34125

Chapter 13

**IN RE:**

Sabathier, Eric P & Sabathier, Sally J

Debtor(s)

**MODIFIED CHAPTER 13 PLAN**

Dated: October 8, 2004

**1. PAYMENTS BY DEBTOR -**

- a. As of the date of this plan, the debtor has paid the trustee \$ 600.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 650.00 per month for 59 months, beginning within 30 days after the filing of this plan for a total of \$ 38,350.00.
- c. The debtor will also pay the trustee: n/a
- d. The debtor will pay the trustee a total of \$ 38,950.00 [line 1(a) + line 1(b) + line 1(c)].

**2. PAYMENTS BY TRUSTEE -** The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 6.5% for a total of \$ 2,340.00 [line 1(d) x .6] or such greater percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

**3. PRIORITY CLAIMS -** The trustee shall pay in full all claims entitled to priority under ' 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Payment</i>	<i>Beginning in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
James T Skonnord	1,250.00	416.67	1	3	1,250.00
<b>TOTAL</b>					<u>1,250.00</u>

**4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT -** The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

None

**5. HOME MORTGAGES IN DEFAULT [' 1322(b)(5)] -** The trustee will cure defaults on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
Washington Mutual Bank F A	2,700.00	300.00	4	9	2,700.00
<b>TOTAL</b>					<u>2,700.00</u>

**6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [' 1322 (b)(5)] -** The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
None					0.00
<b>TOTAL</b>					<u>0.00</u>

**7. OTHER SECURED CLAIMS [' 1325(a)(5)] -** The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using an interest rate of 7.5 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S

SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. ' 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. ' 506(a).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Beginning Payment in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
Bank One Loan Servicing	15,054.91	15,054.91	165.00/375.00	3/13	14/43
Capital One Auto Finance	11,658.00	10,650.00	135.00/280.00	3/13	14/41
<b>TOTAL</b>					<b>31,371.21</b>

8. **SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in & 9, there shall be a separate class of nonpriority unsecured creditors described as follows:
- The debtor estimates that the total claims in this class are \$ 0.00.
  - The trustee will pay this class \$ 0.00.
9. **TIMELY FILED UNSECURED CREDITORS** - The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under & 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ 1,338.79 [line 1(d) minus paragraphs 2, 3, 5, 6, 7 and 8].
- The debtor estimates that the total unsecured claims held by creditors listed in & 7 are \$ 1,395.09.
  - The debtor estimates that the debtor's total unsecured claims (excluding those in & 7 and & 8) are 35,554.00.
  - Total estimated unsecured claims are \$ 36,949.09 [line 9(a) + line 9(b)].
10. **TARDILY-FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under & 1, but not distributed by the trustee under & 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.
11. **OTHER PROVISIONS** - a. Upon completion of payment of the secured portion of any claim, the property securing said claim shall vest in the debtor free and clear of any lien, claim or interest of the secured creditor and a certificate of title, if any, shall be released to debtors.
- b. Claims for child support, property taxes and water bills, if any, shall be paid in full whether the proof of claim is filed secured, priority or unsecured.
- c. The debtor(s) shall increase payments to the trustee to the extent necessary to comply with the provisions of the plan or any increase in the Trustee's fee.
- d. If the total amount of "Claim at Time Case Filed" in paragraph 4 of the creditor's proof of claim is less than the amount stated in paragraph 7 above, the allowed secured claim shall be for said lesser amount.
- e. Payment of ongoing child support and post-petition arrears may be collected by means of automatic income-withholding.

## 12. SUMMARY OF PAYMENTS

Trustee's Fee [Paragraph 2]	2,340.00
Priority Claims [Paragraph 3]	1,250.00
Home Mortgage Defaults [Paragraph 5]	2,700.00
Long-Term Debt Defaults [Paragraph 6]	0.00
Other Secured Claims [Paragraph 7]	31,371.21
Separate Class [Paragraph 8]	0.00
Unsecured Creditors [Paragraph 9]	1,338.79
<b>TOTAL [must equal Paragraph 1, Line (d)]</b>	<b>39,000.00</b>

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

James T. Skonnord 10193X  
James T Skonnord  
311 Ramsey Street  
Saint Paul, MN 55102  
(651) 224-8992

Signed: /s/ Eric Sabathier

DEBTOR

Signed: /s/ Sally Sabathier

DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

UNSWORN CERTIFICATE OF SERVICE

I, Cindy Collins, declare under penalty of perjury that on 10/11, 2004, I served copies of the Foregoing Notice of Hearing Regarding Pre-Confirmation Modified Chapter 13 Plan, Modified Chapter 13 Plan and an Unsworn Certificate of Service by first class mail, postage prepaid, to each entity listed below and addressed as follows:

Jasmine Z. Keller  
Chapter 13 Trustee  
12 S. 6<sup>th</sup> Street #310  
Minneapolis, MN 55402

Bradley Halberstadt  
PO Box 270463  
St. Paul, MN 55127

United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Bank One  
PO Box 901008  
Fort Worth, TX  
76101-2008

The Ramsey Law Firm  
Attn. Capital One Auto Finance Dept.  
P O Box 201347  
Arlington, TX 76006

Washington Mutual  
7800 North 113<sup>th</sup> Street  
Mail Stop MW 1B201  
Milwaukee, WI 53224

All Creditors on the Attached Mailing Matrix

Dated: 10/11/2004

Signed: Cindy Collins

Cindy Collins  
Paralegal

Aspire Visa  
PO Box 23007  
Columbus, GA 31902-3007

Bank One Loan Servicing  
PO Box 901008  
Fort Worth, TX 76101-2008

Capital One Auto Finance  
PO Box 260848  
Plano, TX 75026-0848

Citifinancial  
1682 A South Robert Street  
PO Box 18158  
Saint Paul, MN 55118-0158

First Consumers National Bank  
Cardmembers Services  
PO Box 922788  
Norcross, GA 30010-2788

Household Finance Corporation  
3511 Hazelton Rd  
Edina, MN 55435-4208

TCF Bank  
801 Marquette Ave  
Minneapolis, MN 55402-2840

Washington Mutual Bank F A  
PO Box 3139  
Milwaukee, WI 53201-3139

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

SOBATNIER, ERIC & SALLY

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-34125

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER (Please describe: \_\_\_\_\_)

I [We], the undersigned debtor(s) or authorized representative of the debtor, *make the following declarations under penalty of perjury:*

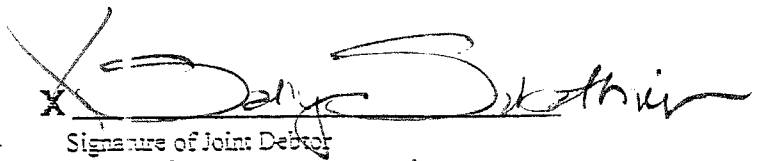
- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 10/8/04

  
Signature of Debtor or Authorized Representative

ERIC SOBATNIER

Printed Name of Debtor or Authorized Representative

  
Signature of Joint Debtor

SALLY SOBATNIER

Printed Name of Joint Debtor